



TOWN OF EASTHAM

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EASTHAM PLANNING BOARD

MEETING MINUTES

Earle Mountain Room

May 19, 2021, 5:00 pm

Members present: Via videoconference: Dan Coppelman, Peter Weston, Stephen Wasby, Davis Hobbs, Craig Nightingale, Joseph Manas, William Craig, Jim Kivlehan
Members absent: Brian Early
Staff present: Paul Lagg, Town Planner

Dan Coppelman opened the meeting at 5:00 pm, explained new temporary meeting protocols and stated the meeting was being recorded.

Case No. PB2021-8 – (continued from 4/21/21) 631 Dyer Prince Road, Map 19, Parcel 120. Town of Eastham (Owner/Applicant) seeks Site Plan Approval – Municipal pursuant to Eastham Zoning By-Law Section 10.2 (Site Plan Approval Commercial) for construction of a municipal structure (harbormaster building). Vote may be taken.

The applicant had submitted a written request to withdraw the application. A **MOTION** by Joseph Manas to accept the withdrawal of Case No. PB2021-8 without prejudice, **seconded** by Peter Weston.

In favor: Weston, Hobbs, Kivlehan, Coppelman, Wasby, Nightingale, Manas

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

Case No. PB2021-7 – (continued from 4/21/21) 4730 State Highway, Map 5, Parcel 128C. Goeroe's Goldens LLC (Owner/Applicant) and Stow Away LLC (Applicant) seek a Special Permit pursuant Eastham Zoning By-law Section 3.8.5.3.3 and 3.9.9 (Uses) for an expansion of a pre-existing non-conforming structure or use greater than 1,000 sf of building footprint or of exterior building area or site area in the Eastham Corridor Special District. Vote may be taken.

Ben Zehnder and Barbara Niggel were present. Dave Hobbs recused himself. Mr. Zehnder described the revised plans, which now included movable storage pods. The Board agreed the proposal would still require review by the Cape Cod Commission as a mandatory Development of Regional Impact (DRI). Mr. Zehnder indicated the applicant would revise the plans to fall under the DRI threshold. Mr. Wasby and Mr. Coppelman expressed concerns about the application, particularly regarding groundwater protection.

Brian Wall, attorney for the Brackett Landing Condominiums, was present and stated the abutters he represented were concerned about 1) negative effects on the water supply and 2) negative impacts to the neighborhood. He had submitted a letter explaining the same items. Mr.

Coppelman read a letter received from Norman Stubbendick, 56 Dory Lane also expressing concerns about the proposal. Phil Murawski, 36 Dory Lane, was present in opposition to the proposal. Dave Hobbs, 90 Sparrowhawk Lane was present and stated he was concerned about water contamination from the proposed storage.

Mr. Zehnder rebutted the comments from the public and confirmed what additional materials the Board would like to receive for the continuation of the case. Mr. Zehnder then requested a continuance to the July hearing. A **MOTION** by Stephen Wasby to continue Case No. PB2021-7 to July 21, 2021, **seconded** by Peter Weston.

In favor: Weston, Craig, Kivlehan, Coppelman, Wasby, Nightingale, Manas
Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

Case No. PB2021-9 – 900 Cable Road, Map 23, Parcel 49. Chris Particelli and Eileen Particelli Trusts (Owners) seek Site Plan Approval – Residential pursuant to Eastham Zoning By-Law Section 7.4.4 (Residential Lot Intensity) and Section 10.1 (Site Plan Approval – Residential) to construct an accessory structure in District F greater than 200 sf. Vote may be taken.

Ben Zehnder was present. He described the proposal and explained it would need to receive a Variance from the Zoning Board of Appeals. Mr. Coppelman requested that a hammerhead driveway extension be added to the site plan. There were no other questions from the Board or from the public. Mr. Coppelman read four waiver requests from the applicant. A **MOTION** by Stephen Wasby to approve the waivers as requested, **seconded** by Peter Weston.

In favor: Weston, Hobbs, Kivlehan, Coppelman, Wasby, Nightingale, Manas
Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

Mr. Coppelman read the proposed **findings of fact**:

1. The property is located at 900 Cable Road (Map 23, Parcel 49) and is located in District F (Seashore).
2. The applicant has applied for Site Plan Approval – Residential pursuant to Eastham Zoning By-Law Section 7.4.4 (Residential Lot Intensity) and Section 10.1 (Site Plan Approval – Residential) to construct an accessory structure in District F greater than 200 sf.
3. The proposed site coverage is 1,364 sf (6.68%) resulting in a 1.51% expansion.
4. The proposal requires a variance from the Zoning Board of Appeals for dimensional non-conformity to the 50-foot street setback to a paper road.
5. The Planning Board voted to grant waivers to the application materials for the following items:
 - Floor plans for existing dwelling
 - Loading areas, driveways, walkways, access/egress points, parking spaces
 - Landscape plan
 - Lighting plan

6. The proposed project does not negatively impact existing native vegetation and soil or grade changes. No negative impacts to any of the review criteria in this section have been identified.
7. The proposed project does relate harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the neighborhood. No significant grading or clearing is proposed beyond the extent of the proposed garage footprint. The project area is already cleared as part of the existing driveway. A hammerhead driveway extension will be located adjacent to the existing driveway.
8. The prevailing characteristics of the neighborhood are preserved by the plan as presented. The proposed dwelling utilizes multiple elements recommended in the Planning Board's Residential Site Plan Approval guidance document including: build a free-standing garage, orient the short dimension of the structure toward the street, use one story instead of two or more, use materials consistent with those found in the neighborhood (white cedar shingles for side wall and dark architectural roof shingles with white PVC trim). The project was reviewed by representatives from the National Seashore. No concerns were identified.
9. The proposed project does avoid impact on steep slopes, flood plains, hilltops, dunes, scenic views and wetlands. The site is not located within any resource areas. No negative impacts to any of the review criteria in this section have been identified.
10. The proposed project does not have existing unique or significant environmental resources. The site is not located within any resource areas. No negative impacts to any of the review criteria in this section have been identified.
11. The proposed site plan, with the addition of a hammerhead, does maximize the convenience and safety of vehicular and pedestrian movement within the site and in relationship to adjacent ways. The proposed garage will be located within the existing driveway layout, which contains ample room for parking and turn-around space to avoid backing out onto Cable Road.
12. No abutters appeared regarding the proposal and no letters were received regarding the proposal.

A **MOTION** by Stephen Wasby to approve the findings of fact as stated, **seconded** by Peter Weston.

In favor: Weston, Hobbs, Kivlehan, Coppelman, Wasby, Nightingale, Manas

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

A **MOTION** by Peter Weston to **GRANT** Site Plan Approval - Residential for Case No. PB2021-9 with the following **conditions**:

1. No building permit shall be issued until the application complies with all pertinent sections of the Town of Eastham Zoning By-law.
2. The applicant shall obtain a building permit from the Eastham Building Department prior to the start of the construction.
3. All exterior lights shall be down shielded to reduce light spill and nuisances to adjacent properties.
4. The applicant shall verify bedroom count and septic design of the approved plan for adequacy with Eastham Health Department and if necessary shall obtain Board of Health approval prior to issuance of a building permit.

5. The applicant is responsible for providing building plans to the Eastham Building and Fire Departments. Plans shall contain information on construction methods and materials sufficient to conduct a full code compliance review.
6. Plan reviews conducted by town staff as part of this site plan approval have been conducted for conformance with applicable sections of the zoning bylaw and for adequacy of the site for public safety access and environmental impacts. Additional plan review for health and safety code compliance will be required and may result in changes to the approved plans. Any changes to the proposed building plans dated 2/16/21 or the site plan dated 3/20/21, with the exception of the required driveway hammerhead and except those that are de minimis, must be reviewed by the Planning Board. If the Board finds a change to be substantial, re-notice is necessary for a new hearing.
7. Any changes to final grade must be reviewed by the Planning Board.
8. The applicant has agreed to add a hammerhead driveway turnaround to the west of the existing driveway so that vehicles will not have to back out onto Cable Road.
9. The Planning Board reserves the right to monitor the ongoing construction for compliance with the approved plan.

Seconded by Dan Coppelman

In favor: Weston, Hobbs, Kivlehan, Coppelman, Wasby, Nightingale, Manas

Opposed: None

The VOTE: 7-0

Motion passed – Unanimous

Other business

The Board discussed a letter from Town Administrator Jacqui Beebe regarding liaising with the Capital Projects Committee. The board members decided that municipal projects should come before the Planning Board the same way commercial site plan reviews do, informally at this point but eventually to be amended as a procedure into the Zoning By-law.

Minutes

A **MOTION** by Jim Kivlehan to approve the minutes of April 21, 2021, **seconded** by Peter Weston.

In favor: Weston, Hobbs, Coppelman, Wasby, Nightingale, Manas, Craig

Opposed: None

Abstained: Kivlehan

The VOTE: 7-0-1

Motion passed

A **MOTION** by Joseph Manas to approve the minutes of April 29, 2021, **seconded** by Jim Kivlehan.

In favor: Coppelman, Wasby, Nightingale, Manas, Craig, Kivlehan

Opposed: None

Abstained: Weston, Hobbs

The VOTE: 6-0-2

Motion passed

Adjournment

A **MOTION** by Dan Coppelman to adjourn the hearing, **seconded** by Peter Weston.

In favor: Weston, Hobbs, Manas, Craig, Coppelman, Wasby, Nightingale, Kivlehan

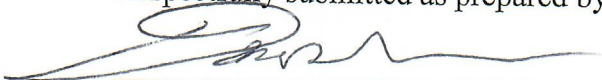
Opposed: None

The VOTE: 8-0

Motion passed – Unanimous

Meeting adjourned at 6:25 pm.

Respectfully submitted as prepared by Debbie Cohen

A handwritten signature in blue ink, appearing to read 'Dan Coppelman', is written over a horizontal line.

Dan Coppelman, Chair